

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 31 - HB 44

February 21, 2015

SUMMARY OF BILL: Enhances from a Class A misdemeanor to a Class E felony the offense of leaving the scene of an accident when a driver knows or reasonably should have known that serious bodily injury resulted from an accident.

Authorizes a jury to infer that the person failing to stop knew or reasonably should have known that the accident resulted in serious bodily injury or death if the accident involved a vulnerable highway user.

Defines "vulnerable highway user" as someone who is lawfully on or near a highway, including a pedestrian, child, runner, cyclist, or stranded motorist, or is engaged in official duties on or near a highway, including a person in the field of construction, utility work, road maintenance, stranded motorist repair, emergency service, fire suppression, and law enforcement.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$374,100/Highest Projected Cost of Next 10 Years/Incarceration*

Assumptions:

- Under current law, leaving the scene of an accident is only a Class E felony if the driver knew or reasonably should have known that death resulted from the accident. The bill expands this offense to also include when a driver knew or should have known serious bodily injury resulted from the accident. This offense is currently a Class A misdemeanor.
- Statistics from the Department of Safety show that there was an average of 1,002.3 traffic fatalities and 48,291.7 traffic injuries per year from 2004-2013.
- For the purpose of generating this estimate, the FRC staff assumes that 20 percent of the traffic injuries ($48,291.7 \times .2 = 9,658.34$) involved serious bodily injury.
- Statistics from the Department of Correction (DOC) shows that the 10-year average is 1.1 admissions per year for leaving the scene of an accident. There is roughly one admission per 1,000 crash fatalities, 0.1 percent. It is assumed that a similar ratio applies for admissions to crash injuries.
- It is assumed that the bill will result in 10 admissions ($9,658.34 \times .001 = 9.66$) each year for leaving the scene of an accident when the driver knew or reasonably should have known serious bodily injury resulted from the accident.

- It is assumed that each offender will serve the same time as an average Class E felony (1.41 years).
- Data from the U.S. Census Bureau shows population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will account for one (10 x .1178) additional admission for leaving the scene of an accident resulting in a total of 11 (10 + 1) admissions.
- A recidivism discount does not apply to this bill because the offenders affected would be returning to local custody for misdemeanor offense, not back into state custody for felony offenses.
- According to the DOC, the average operating cost per offender per day for calendar year 2015 is \$66.03.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 11 offenders serving 1.41 years (515 days) for a total of \$34,005 (\$66.03 x 515 days). The cost for 11 offenders is \$374,055 (\$34,005 x 11).
- The bill only creates 11 new felony cases each year, which is offset by a reduction of 11 misdemeanor cases each year.
- It is assumed that the Administrative Office of the Courts, the District Attorneys General Conference, and the District Public Defenders Conference can accommodate the change in their caseloads within their existing resources without any additional appropriation.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Jeffrey L. Spalding, Executive Director

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